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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (iii)
PART II—Section 3—Sub-section (iii)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों को छोड़कर) द्वारा जारी किये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

आदेश

नई दिल्ली, 7 अगस्त, 2006

आ. अ. 76.—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तंभ (2) में यथा विनिर्दिष्ट उत्तर प्रदेश राज्य से विधान सभा के उप निर्वाचन के लिए जो स्तंभ (3) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तंभ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वती बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तंभ (5) में यथा दर्शित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहा है;

और, जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण अथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए अभ्यावेदनों पर यदि कोई हो, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

अतः, अब, निर्वाचन आयोग एतद्वारा उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तंभ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और सदस्य होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

सारणी				
क्र. सं.	निर्वाचन क्षेत्र का विवरण	निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरर्हता का कारण
1	2	3	4	5
1.	उत्तर प्रदेश राज्य से विधान सभा के लिए उप निर्वाचन, 2006	166-कौडीराम	श्री कोईल उर्फ हरिनाथ, शिवपुरी नवी कालोनी, गोरखपुर, उत्तर प्रदेश	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
2.	-वही-	214-मोहम्मदाबाद	श्री भगेलू, ग्राम-बैजलपुर, पोस्ट-मोहम्मदाबाद, जिला-गाजीपुर, उत्तर प्रदेश।	-वही-
3.	-वही-	-वही-	श्री जयगोविन्द, ग्राम-अमरूपुर, पोस्ट-अमरूपुर, जिला-गाजीपुर, उत्तर प्रदेश।	-वही-
4.	-वही-	-वही-	श्री त्रिलोकी, ग्राम-शेरपुर खुर्द, पोस्ट-शेरपुर, जिला-गाजीपुर, उत्तर प्रदेश।	-वही-

[सं. 76/उ.प्र.-वि.स./2006 (उप)]

आदेश से,
ललित मोहन, सचिव

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 7th August, 2006

O. N. 76.—Whereas, the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the table below at the Bye-Elections to the Legislative Assembly in the State of Uttar Pradesh as specified in column (2) held from the Constituency specified in column (3) against his name has failed to lodge the account of his election expenses as required by the Representation of the People Act, 1951, and the rules made thereunder as shown in column (5) of the said Table;

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notices and/or the Election Commission after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of any State/Union Territory for a period of three years from the date of this order :—

TABLE

Sl. No.	Particular of Election	Sl. No. and Name of Constituency	Name and Address of Contesting Candidates	Reason of Disqualification
1	2	3	4	5
1.	By-election to the Legislative Assembly, of the State of Uttar Pradesh, 2006	166-Kauriram	Shri Koel Alias Harinath, Shivpuri New Colony, Gorakhpur, Uttar Pradesh.	Failed to lodge any account of his/her election expenses.
2.	-do-	214-Mohammadabad	Shri Bhagelu, Vill-Baijalpur, Post-Mohammadabad, Dist.-Ghazipur, Uttar Pradesh.	-do-
3.	-do-	-do-	Shri Jaigovind, Vill-Amrupur, Post-Amrupur, Dist.-Ghazipur, Uttar Pradesh.	-do-
4.	-do-	-do-	Shri Triloki, Vill-Sherpur Khurd, Post-Sherpur, Dist.-Ghazipur, Uttar Pradesh.	-do-

[No. 76/UP-LA/2006 (Bye)]

By Order,

LALIT MOHAN, Secy.

आदेश

नई दिल्ली, 7 अगस्त, 2006

आ. अ. 77.—जबकि, निर्वाचन आयोग का समाधान हो गया है कि नीचे की सारणी के स्तंभ (2) में यथा विनिर्दिष्ट फरवरी 2005 में हरियाणा विधान सभा के सार्धरण निर्वाचन के लिए जो स्तंभ (3) में तदनुसूची विनिर्दिष्ट निर्वाचन-क्षेत्र से हुआ है, के स्तंभ (4) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तंभ (5) में यथा दर्शित अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहा है;

और, जबकि, उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है तथा निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या न्यायौचित्य नहीं है;

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10-क के अनुसरण में नीचे की सारणी के स्तंभ (4) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य/संघ राज्य क्षेत्र की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और सदस्य होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए एतद्वारा निरहित घोषित करता है।

सारणी

क्र. सं.	निर्वाचन क्षेत्र का विवरण	निर्वाचन क्षेत्र की क्रम संख्या और नाम	निर्वाचन लड़ने वाले अभ्यर्थी का नाम व पता	निरर्हता का कारण
1	2	3	4	5
1.	हरियाणा विधान सभा, 2005 के लिए साधारण निर्वाचन	03-सदौरा (अ.जा.) विधान सभा निर्वाचन क्षेत्र	श्री मोहिन्द्र सिंह, गांव-लवानी, डा-कलावड़, तह.-जगाधरी, जिला-यमुनानगर, हरियाणा ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे ।
2.	—यथा—	6-जगाधरी विधान सभा निर्वाचन क्षेत्र	श्री प्रदीप कुमार, गांव-भगवानगढ़, डा.-व तह.-जगाधरी, जिला-यमुनानगर, हरियाणा ।	—यथा—
3.	—यथा—	15-घरौदा विधान सभा निर्वाचन क्षेत्र	श्री रामपाल कश्यप, 127/16, कश्यप चौक, घरौदा, करनाल, हरियाणा ।	—यथा—
4.	—यथा—	12-रादौर विधान सभा निर्वाचन क्षेत्र	श्री गुरदेव सिंह, गांव-टोपरा कलां, जिला-यमुना नगर, हरियाणा ।	—यथा—
5.	—यथा—	31-महम विधान सभा निर्वाचन क्षेत्र	श्री कृष्ण, गांव-व डा.-भैणी चन्द्रपाल, तह.-महम, जिला-रोहतक, हरियाणा ।	—यथा—
6.	—यथा—	—यथा—	श्री कशमीर, गांव-व डा.-फरमाणा खास, तह.-महम, जिला-रोहतक, हरियाणा ।	—यथा—
7.	—यथा—	—यथा—	श्री दलीप सिंह, गांव-व डा.-मदीना कोरसान, तह.-महम, जिला-रोहतक, हरियाणा ।	—यथा—
8.	—यथा—	—यथा—	श्री बलवान, गांव-व डा.-फरमाणा खास, तह.-महम, जिला-रोहतक, हरियाणा ।	—यथा—

1	2	3	4	5
9.	हरियाणा विधान सभा, 2005 के लिए साधारण निर्वाचन	38-बरोदा (अ. जा.) विधान सभा निर्वाचन क्षेत्र	श्री संजय, गांव-सिवानका, डा. -छतैहरा, तहसील-गोहाना, जिला-सोनीपत, हरियाणा।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे।
10.	-यथा-	-यथा-	श्री हरि किशन, गांव व डा.-चिड़ाना, तह.-गोहाना, जिला-सोनीपत, हरियाणा।	-यथा-
11.	-यथा-	39-गोहाना विधान सभा निर्वाचन क्षेत्र	श्री जितेन्द्र, गांव-भैसवाल कला, तहसील-गोहाना, जिला-सोनीपत, हरियाणा।	-यथा-
12.	-यथा-	-यथा-	श्री केदार सिंह, गांव व डाकखाना-शामडी, तहसील-गोहाना, जिला-सोनीपत, हरियाणा।	-यथा-
13.	-यथा-	-यथा-	श्री तेजेन्द्र, म. नं. 299, वार्ड नं. 3, आदर्श नगर गोहाना, तहसील-गोहाना, जिला-सोनीपत, हरियाणा।	-यथा-
14.	-यथा-	-यथा-	श्री रवनीत सिंह, गांव-गुढडा कतलूपरिया, तह.-गोहाना, जिला-सोनीपत, हरियाणा।	-यथा-
15.	-यथा-	41-सोनीपत विधान सभा निर्वाचन क्षेत्र	श्री मुकेश, मकान नं. 944 ए, प्रेम नगर वेस्ट रामनगर, सोनीपत, हरियाणा।	-यथा-
16.	-यथा-	42-राई विधान सभा निर्वाचन क्षेत्र	श्री देवेन्द्र, गांव-सेवली, डाकखाना-जाखौली, जिला-सोनीपत, हरियाणा।	-यथा-

1	2	3	4	5
17.	हरियाणा विधान सभा 2005 के लिए साधारण निर्वाचन	42-राई विधान सभा निर्वाचन क्षेत्र	श्री दलेल, गांव व डा.-नाहरी, जिला-सोनीपत, हरियाणा ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे ।
18.	—यथा—	—यथा—	श्री भूपेन्द्र, गांव व डा.-कुमासपुर, तह. व जिला-सोनीपत, हरियाणा ।	—यथा—
19.	—यथा—	60-सोहना	श्री इंदरीश, गांव-धुनेला, डाकखाना-सोहना, जिला-गुड़गांव, हरियाणा ।	—यथा—
20.	—यथा—	—यथा—	श्री रामबीर, गांव-टीकरी, डाकखाना-फाजिलपुर, तह. व जिला-गुड़गांव, हरियाणा ।	—यथा—
21.	—यथा—	80-दड़वा कलां	श्री त्रिलोक चन्द, गांव-हंजीरा, डा.-हंजीरा, तह. व जिला-सिरसा, हरियाणा ।	—यथा—
22.	—यथा—	82-सिरसा	श्री शिव कुमार, भारत नगर, वार्ड नं. 11, हिसार, हरियाणा ।	—यथा—
23.	—यथा—	84-डबवाली (अ.जा.) विधान सभा निर्वाचन क्षेत्र	श्रीमती दर्शना देवी, वार्ड नं. 7, मण्डी डबवाली, हरियाणा ।	—यथा—
24.	—यथा—	86-रेवाड़ी विधान सभा निर्वाचन क्षेत्र	श्री सतीश कुमार, म. नं. 575, यादव नगर, बुड़पुर रोड, रेवाड़ी, हरियाणा ।	—यथा—
25.	—यथा—	—यथा—	श्री सीता राम, ग्राम मामड़िया, आसमपुर, तह. व जिला-रेवाड़ी, हरियाणा ।	—यथा—
26.	—यथा—	87-जाटूसाना विधान सभा निर्वाचन क्षेत्र	श्री उधम सिंह, गांव व डाक.-बोरिया कमालपुर तह. व जिला-रेवाड़ी, हरियाणा ।	—यथा—

1	2	3	4	5
27.	हरियाणा विधान सभा 2005 के लिए साधारण निर्वाचन	87-जादूसाना विधान सभा निर्वाचन क्षेत्र	श्रीमती सुनिता देवी, गांव व डा.-कनिना, तह. व जिला महेन्द्रगढ़, हरियाणा ।	निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे ।

[सं. 76/हरियाणा-वि.स./2005 (6)]

आदेश से,

के. अजय कुमार, सचिव

ORDER

New Delhi, the 7th August, 2006

O. N. 77.—Whereas, the Election Commission of India is satisfied that the contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly held from Haryana in February, 2005 as specified in column (2) and held from constituencies correspondingly specified in column (3) against their names have failed to lodge account of their election expenses, as shown in column (5) of the table, as required by the Representation of the People Act, 1951, and to Rules made thereunder.

And whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice of the Election Commission, after considering the representation made by them, if any, the Election Commission is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this order.

TABLE

Sl. No.	Particulars of Election	Number and Name of Assembly Constituency	Name and Address of Contesting Candidate	Reason of Disqualification
1	2	3	4	5
1.	General Election to the Legislative Assembly of Haryana-2005	3-Sadhaura (SC)	Mohinder Singh, Vill. - Lawani, P.O.-Kalawar, Teh. - Jagadhri, Distt. - Yamuna Nagar, Haryana	Failure to lodge account of election expenses.
2.	-do-	6-Jagadhri	Pradeep Kumar, Vill. - Bhagwargarh, P.O. - Jagadhri, Distt.-Yamuna Nagar, Haryana	-do-
3.	-do-	-do-	Ram Pal Kashyap, 127/16, Kashyap Chank Gharaunda, Karnal, Haryana	-do-
4.	-do-	21-Radaur (SC)	Gurdev Singh, Vill. & P.O. Topra, Kalan Distt., Yamuna Nagar, Haryana	-do-

1	2	3	4	5
5.	General Election to the Legislative Assembly of Haryana-2005	31-Meham	Krishan, Vill. and P.O. Bhaini Chanderpal, Teh. - Mehram, Distt. - Rohtak, Haryana	Failure to lodge account of election expenses.
6.	-do-	-do-	Kashmir, Vill. and P.O. Farmana Khas, Teh. - Mehram, Distt. - Rohtak, Haryana	-do-
7.	-do-	-do-	Dalip Singh, Vill. and P.O. Madina Korsan, Teh. Mehram, Distt. - Rohtak, Haryana	-do-
8.	-do-	-do-	Balwan, Vill. and P.O. Farmana Khas, Teh. Mehram, Distt. - Rohtak, Haryana	-do-
9.	-do-	38-Baroda (SC)	Sanjay, Vill. - Siwanka, P.O. - Chhatehra, Teh. - Gohana, Distt. - Sonapat Haryana	-do-
10.	-do-	-do-	Hari Kishan, Vill. and P.O. Chidana, Teh. - Gohana, Distt. - Sonapat, Haryana	-do-
11.	-do-	39-Gohana	Jatender, Vill. and P.O. Bhainswal Kalan, Teh. - Gohana, Distt. - Sonapat, Haryana	-do-
12.	-do-	-do-	Kidar Singh, Vill. - Shamri, Teh. - Gohana, Distt. - Sonapat, Haryana	-do-
13.	-do-	-do-	Tejinder, H. No. 299, Ward No. 3, Adrash Nagar, Gohana, Distt. - Sonapat, Haryana	-do-
14.	-do-	-do-	Ravneet Singh, Vill. - and P.O. Gudha, (Katlupariya), Teh. - Gohana, Distt. - Sonapat, Haryana	-do-

1	2	3	4	5
15.	General Election to the Legislative Assembly of Haryana-2005	41-Sonepat	Mukesh, H.No. 944-A, Prem Nagar, West Ram Nagar, Sonepat, Haryana	Failure to lodge account of election expenses.
16.	-do-	42-Rai	Devender, Vill. Seveli, P.O. Jhakholi, Distt.-Sonepat, Haryana	-do-
17.	-do-	-do-	Dalel, Vill. and P.O. Nahri, Teh. and Distt.-Sonepat, Haryana	-do-
18.	-do-	-do-	Bhupender, Vill. and P.O. Kumasapur,, Teh. and Distt.-Sonepat, Haryana	-do-
19.	-do-	60-Sohna	Idrish, Vill. Dhunela, P.O.-Sohna, Distt. Gurgaon, Haryana	-do-
20.	-do-	-do-	Rambir, Vill. Tikri, P.O. Fazilpur, Teh. and Distt. Gurgaon, Haryana	-do-
21.	-do-	80-Darba Kalan	Trilok Chand, Vill. Hanjira, P.O.-Hanjira, Teh. and Distt. Sirsa, Haryana	-do-
22.	-do-	82-Sirsa	Shiv Kumar, Bharat Nagar, Ward No. 11, Hisar, Haryana	-do-
23.	-do-	84-Dabwali (SC)	Darshana Devi, Ward No. 7, Mandi Dabwali, Haryana	-do-
24.	-do-	86-Rewari	Satish Kumar, H. No. 575, Yadav Nagar, Budhpur Road, Rewari, Haryana	-do-
25.	-do-	-do-	Sita Ram, Vill. Mamria Asampur, Teh. and Distt. Rewari, Haryana	-do-

1	2	3	4	5
26.	General Election to the Legislative Assembly of Haryana-2005	87-Jatusana	Udham Singh, Vill. and P.O. Boria Kamalpur, Teh. and Distt. Rewari, Haryana	Failure to lodge account of election expenses.
27.	-do-	-do-	Sunita Devi, Vill. and P.O. Kanina, Teh. and Distt. Mahendergarh, Haryana	-do-

[No.76/HN-LA/2005 (6)]

By Order,

K. AJAYA KUMAR, Secy.

नई दिल्ली, 18 अगस्त, 2006

आ. अ.78.—लोक प्रतिनिधित्व अधिनियम, 1951 (1951 का 43) की धारा 106 के अनुसरण में, भारत निर्वाचन आयोग 2004 की निर्वाचन अर्जी संख्या 11 में इलाहाबाद उच्च न्यायालय, इलाहाबाद के तारीख 29 नवम्बर, 2005 के निर्णय को एतद्वारा प्रकाशित करता है।

(निर्णय इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[संख्या 82/उ.प्र.-लो.स./11/2004 (इला.)]

आदेश से,

सचिव मोहन, सचिव

New Delhi, the 18th August, 2006

O. N.78.—In pursuance of Section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the Judgement dated 29th November, 2005 of the High Court of Judicature at Allahabad, Allahabad in Election Petition No. 11 of 2004.

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL SIDE

ORIGINAL JURISDICTION

DATED ALLAHABAD THE 29-11-2005

PRESENT

THE HON'BLE S. P. MEHROTRA, JUDGE

ELECTION PETITION NO. 11 OF 2004

Order on the Petition of Bhola Pandey

.....Petitioner

In re

Bhola Pandey Son of Sri Basdeo
Resident of Village and Post Moon
Chhapara, Tahsil Basdih, Distt. Ballia

.....Petitioner

Versus

1. Hari Kewal Son of Ram Lochan
Resident of Village Sohmag Road,
Salempur, District Deoria.

2. Rama Shakar Rajbhar Son of Bangali
Resident of Village Shivpur,
Post Chhapauli, Tahsil Rudrapur, Distt. Deoria.
3. Onkar Nath Son of Manager
Resident of Village and Post Andila,
District Deoria.
4. Gulab Chand Gupta Son of Ramdhyan
Resident of Village and Post Lahasani
District Ballia.
5. Gauri Shankar Tripathi Son of Doodh Nath
Sakin Birani, Post Ajana,
District Deoria.
6. Rajdhari Singh Son of Rama Shankar
Resident of Village Uharao,
Post Ghundi,
District Ballia.
7. Rajesh Sahani Son of Awadh
Resident of Village Tikar,
Post Sohagura,
District Gorakhpur.
8. Ram Badan Kaul Son of Jamuna Prasad
Resident of Village and Post Barauli,
District Ballia.
9. Shaukat Ali Son of Ahmed Ali
Resident of Village and Post Pipranli,
Banaganiv District Ballia.
10. Heera Lal Son of Ram Swaroop
Resident of Village Karaudi,
Post Majhawalia,
District Deoria.
11. Uttam Bihari Kushwaha Son of Sakal Deo Bihari,
Resident of Village and Post Khedav Anchal Under
District Shivan (Bihar).
12. Upendra Son of Ram Prasad
Resident of Village and Post Sonadash,
District Ballia.
13. Kailash Son of Jatan
Resident of Village Husenpur,
Post Jalauli,
District Ballia.
14. Bhola Son of Sri Krishna
Resident of Village Tatil,
Post Navalpur,
District Deoria.

....Respondents.

Counsel for the Petitioner : Sri D. S. P. Singh

Sri C. S. Shanna

Counsel for the Respondents :

By the Court

Court No. 48

Election Petition No. 11 of 2004

Bhola Pandey

.....Petitioner

Vs.

Hari Kewal and others

.....Respondents

Hon. S.P. Mehrotra, J.

Pursuant to the order dated 11-11-2005, the case is listed today.

By the order dated 6-8-2004, notice was directed to be issued to the respondents fixing 19-11-2004 by ordinary process as well as by Registered Post. It was, *inter alia*, further directed that notice of the Election Petition would also be published in a Newspaper selected by the Registrar General, as per the provisions of Clause (b) of Rule 6 of Chapter XV-A of the Rules of the Court, 1952. The said order dated 6-8-2004 is quoted below:

"Issue notice to the respondents fixing 19th November, 2004 by ordinary process as well as by registered post.

Notice of Election Petition will also be published in a newspaper selected by the Registrar General as per the provisions of clause (b) of Rule 6 of Chapter XV-A of the Rules of the Court, 1952."

Pursuant of the said order dated 6-8-2004, the Election Petition was listed on 19-11-2004. The Office submitted its Report dated 19-11-2004, *inter alia*, stating that the learned counsel for the petitioner had not taken steps till date, in compliance with the said order dated 6-8-2004.

As S/Shri D.S.P. Singh and C.S. Sharma, learned counsel for the petitioner had sent illness slips on the said date, i.e., 19-11-2004, the case was passed over and was directed to be listed on 21-1-2005. The order dated 19-11-2004 is as follows:

"Pursuant to the order dated 6-8-2004, the case is listed today.

Office has submitted its report dated 19-11-2004 which is quoted below:

"In compliance with the Court's order dated 6-8-2004, the petitioner's counsel has not taken step till today. The case is put up for orders."

Today, S/Sri D.S.P. Singh and C.S. Sharma learned counsel for the petitioner have sent illness slips.

In the circumstances, the case is passed over, and is directed to be listed on 21-1-2005."

The case was, thereafter placed before the Court on 25-1-2005 with the office Report dated 25-1-2005 to the effect that the learned counsel for the petitioner had not taken steps till date. On the said date, i.e., 25-1-2005, Shri D.S.P. Singh, learned counsel for the petitioner had sent illness slip. In the circumstances, the case was adjourned, and was directed to be listed on 18-3-2005. The order dated 25-1-2005 is quoted below:

"Shri D.S.P. Singh, learned counsel for the petitioner has sent illness slip today.

In the circumstances, the case is adjourned today.

List on 18-3-05."

Pursuant to the said order dated 25-1-2005, the case was listed before the Court on 18-3-2005 with the Office Report to the effect that the learned counsel for the petitioner had not taken steps till date.

On the said date, i.e., 18-3-2005, S/Shri D.S.P. Singh and C.S. Sharma, learned counsel for the petitioner had sent illness slips. In the circumstances, the case was adjourned, and was directed to be listed on 6-5-2005. The order dated 18-3-2005 is reproduced below:

"Pursuant of the order dated 25-1-2005, the Election Petition is listed today.

S/Sri D.S.P. Singh and C.S. Sharma, learned counsel for the petitioner have sent illness slips today.

In the circumstances, the case is adjourned today.

List the Election Petition on 6-5-2005."

Pursuant to the said order dated 18-3-2005, the case was listed before the Court on 6-5-2005 with the Office Report dated 6-5-2005 to the effect that the learned counsel for the petitioner had not taken steps till date.

On the said date, i.e., 6-5-2005, S/Shri D.S.P. Singh and C.S. Sharma, learned counsel for the petitioner had again sent illness slips. In the circumstances, the case was adjourned, and was directed to be listed on 22-7-2005 *peremptorily*.

The order dated 6-5-2005 is as under:

"Pursuant to the order dated 18th March, 2005, the Election Petitioner is listed today.

S/Sri D.S.P. Singh and C.S. Sharma, learned counsel for the petitioner have sent illness slips today.

In the circumstances, the case is adjourned today.

As the illness slips are being repeatedly sent in the present case by the learned counsel for the petitioner, the case is directed to be listed on 22nd July, 2005, peremptorily."

Pursuant to the said order dated 6-5-2005, the case was listed Peremptorily on 22-7-2005 with the Office Report dated 22-7-2005 to the effect that the learned counsel for the petitioner had not taken steps till date.

On the said date, i.e., 22-7-2005, Shri D.S.P. Singh and learned counsel for the petitioner was present, and he prayed for adjournment of the case so as to enable him to obtain instructions from the petitioner.

In view of the prayer made by Shri D.S.P. Singh, learned counsel for the petitioner, the case was adjourned, and was directed to be listed peremptorily on 16-9-2005. The order dated 22-7-2005 is as follows:

"Pursuant to the order dated 6th May, 2005, the case is listed peremptorily today

Case called out in the revised list.

Shri D.S.P. Singh, learned counsel for the petitioner is present. He prays that the case may be adjourned today so as to enable him to obtain instructions from the petitioner.

In view of the prayer made by Shri D.S.P. Singh, learned counsel for the petitioner, the case is adjourned today.

List on 16th Sept. 2005, peremptorily."

Pursuant to the order dated 22-7-2005, the case was sent as an unlisted case on 16-9-2005 with the Office Report dated 16-9-2005 to the effect that the learned counsel for the petitioner had not taken steps till date.

On the said date, i.e., 16-9-2005, Shri D.S.P. Singh, learned counsel for the petitioner was present, and he prayed for further time to obtain instructions from the petitioner, as mentioned in the said order dated 22-7-2005.

In view of the prayer made by Shri D.S.P. Singh, learned counsel for the petitioner, the case was adjourned, and was directed to be listed peremptorily on 11-11-2005. It was, *inter alia*, further observed in the order dated 16-9-2005 that no further time would be granted to the learned counsel for the petitioner to obtain instructions, as mentioned above.

The order dated 16-9-2005 is as follows:

"Pursuant to the order dated 22nd July, 2005, the case has been sent today as an unlisted case before this court.

Office has informed the Court that the case has been incorrectly listed today Court No. 9, instead of Court No. 48.

Case called out.

Shri D.S.P. Singh, learned counsel for the petitioner is present. He prays that further time be granted so as to enable him to obtain instructions from the petitioner, as mentioned in the order dated 22nd July, 2005.

In view of the prayer made by Shri D.S.P. Singh, learned counsel for the petitioner, the case is adjourned today.

List on 11th November, 2005 peremptorily.

It is made clear that no further time will be granted to the learned counsel for the petitioner to obtain instructions, as mentioned above."

Pursuant to the order dated 16-9-2005, the case was listed before the Court on 11-11-2005 with the Office Report dated 11-11-2005 to the effect that the learned counsel for the petitioner had not taken steps till date.

On 11-11-2005, Shri D.S.P. Singh, learned counsel for the petitioner had sent illness slip.

In the circumstances, the case was directed to be listed peremptorily on 29-11-2005, i.e. today. The order dated 11-11-2005 is as follows:

"Pursuant to the order dated 16-9-2005, the case is listed today.

On 16-9-2005, the case was adjourned on the prayer made by Shri D.S.P. Singh, learned counsel for the petitioner so as to enable him to obtain instructions from the petitioner, as mentioned in the order dated 22-7-2005. It was further directed by the said order dated 16-9-2005 that the case would be listed peremptorily on 11-11-2005 (i.e., today).

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It was further made clear in the said order dated 16-9-2005 that no further time would be granted to the learned counsel for the petitioner to obtain instructions, as mentioned above.

Pursuant to the said order dated 16-9-2005, the case is listed today in the Cause List. However, despite direction having been given for listing the case peremptorily, the same has not been marked peremptorily in the Cause List.

Office is directed to submit Report as why the said direction given in the said order dated 16-9-2005 has not been complied with.

Shri D.S.P. Singh, learned counsel for the petitioner has sent illness slip today.

In the circumstances, the case is directed to be listed peremptorily on 29-11-2005.

Office will ensure that the case is marked peremptorily in the Cause List.

The case will be listed amongst the cases listed at the top of the Cause List of the said date."

Pursuant to the order dated 11-11-2005, the case is listed today, i.e., on 29-11-2005 with the office report dated 29-11-2005 to the effect that the learned counsel for the petitioner has not taken steps till date.

Today, the case has been taken up in the revised list. Learned counsel for the petitioner are not present.

From the above narration of facts, it is evident that despite repeated adjournments, steps have not been taken so far on behalf of the petitioner for issuance of notice to the respondents and for publication of notice of the Election Petition in the newspaper, as per the directions given in the order dated 6-8-2004.

As noted above, even though the case has been taken up in the revised list today, learned counsel for the petitioner are not present.

In the circumstances, the Court has no option but to dismiss the Election Petition for want of prosecution.

The Election Petition is accordingly dismissed for want of prosecution.

Dt. 29-11-2005.

Sd/-

(S. P. Mehrotra)

[No. 82/UP-HP/11/2004(Allid.)]

By Order,

LALIT MOHAN, Secy.